

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE:       AMERICAN MEDICAL SYSTEMS, INC.  
              PELVIC REPAIR SYSTEM  
              PRODUCTS LIABILITY LITIGATION

MDL No. 2325

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THIS DOCUMENT RELATES TO THE CASES LISTED ON EXHIBIT A


**MEMORANDUM OPINION AND ORDER**

Pending in the cases listed on Exhibit A attached hereto are motions to dismiss American Medical Systems, Inc. (“AMS”) with prejudice for plaintiffs’ failure to serve Plaintiff Fact Sheets pursuant to deadlines and requirements established by the court’s previous pretrial order. Both plaintiffs’ counsel on Exhibit A have responded to AMS’s motion filed in each individual case and stated they have not been able to contact their client. The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), the cases on Exhibit A should be dismissed without prejudice for failure to serve Plaintiff Fact Sheets in compliance with the court’s previous pretrial order.

Therefore, the court **ORDERS** that the motions to dismiss pending in the cases on Exhibit A are **GRANTED in part** to the extent AMS seeks dismissal and **DENIED insofar as AMS seeks dismissal with prejudice**. The court **ORDERS** that the cases on Exhibit A are dismissed without prejudice and stricken from the court’s docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: May 3, 2019



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JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

## Exhibit A

<b>Case Number</b>	<b>Case Short Style</b>	<b>ECF No.</b>	<b>Date Filed</b>
2:12-cv-05989	Hicks v. American Medical Systems, Inc. et al	12	12/5/2018
2:12-cv-08947	Williams v. American Medical Systems, Inc. et al	13	12/5/2018